UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Bob Ross
Northeast Region
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
55 Great Republic Drive
Gloucester, MA 01930-2298

Dear Mr. Ross:

In accordance with the National Environmental Policy Act and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA) has reviewed the National Marine Fisheries Service's draft environmental impact statement (DEIS) for Proposed Effort Control Measures for the American Lobster Fishery (CEQ No. 20100149).

The DEIS assesses the environmental impacts associated with proceeding with proposed alternatives to establish limited access programs using historical participation to control fishing effort in the lobster trap fishery in the nearshore waters from Cape Cod, Massachusetts to New York, comprising lobster Management Area 2 and the Outer Cape Area. Lobstermen fishing with traps in Area 2, the Outer Cape Area, and Area 3, the offshore Area from the U.S./Canada border to North Carolina, would be allowed to transfer (buy and/or sell) blocks of lobster traps to other lobstermen. Based on our review of the DEIS, we have no objections to the proposed action; however, we offer the enclosed comment for consideration.

We appreciate the opportunity to review this draft supplemental EIS. The staff contact for this review is Aimee Hessert (hessert.aimee@epa.gov; 202-564-0993).

Sincerely,

Susan E Bromm

Susan E. Bromm
Director
Office of Federal Activities

cc: Steve Kokkinakis, NOAA Office of Strategic Planning

EPA Comment on NOAA's Draft EIS for
Proposed Effort Control Measures for the American Lobster Fishery

Implications of warming trends in bottom water temperatures on declines in the lobster population of Area 2, Inshore Southern New England:

Biologists that make up the Lobster Technical Team for the Atlantic States Marine Fisheries Commission recently voted unanimously to recommend enacting a five-year moratorium on catching lobsters in Area 2 due to the continuing declines in the stock. While a number of causes may be contributing to this decline, including fishing mortality, disease, and poor recruitment, steadily increasing water temperatures may be responsible for stressful benthic conditions that are impairing lobsters' ability to grow and spawn successfully, and making them more vulnerable to infectious diseases.

While the DEIS (p. 3-35) discusses the significant influence water temperature has on reproductive and developmental processes of lobster, it does not mention adverse physiological effects related to chronic exposure to elevated temperatures. Instead, it focuses more on how increasing temperatures accelerate maturation and molting frequency. Indeed, increased water temperatures can benefit lobsters to a point, which may explain, at least partially, why landings in the Gulf of Maine (Area 1) have been improving or holding steady, as Area 2 has declined. However, as bottom temperatures exceed 66˚F - a temperature lobsters are generally known to avoid – lobsters may seek thermal refuge in deeper areas to avoid intolerable conditions, or suffer physiological impairment. Studies in the waters of Long Island Sound and Buzzard Bay over the past decade have revealed a steady increase in the number of days that bottom water temperatures exceeded 68˚F. With Area 2 representing the southern range of the inshore lobster fishery, the stock collapse may simply reflect a northerly shift in that range.

With water temperature having such a significant influence - both good and bad – on lobster physiology and spawning success, as well as the strong likelihood that sea temperatures will continue to rise in the near future, EPA recommends that the Final EIS reflect the current science on how temperature affects lobsters, including the important study results recently released by the American States Marine Fisheries Commission (ASMFC). Additionally, as a non-fishing stressor, the effects of temperature should also be discussed under "Cumulative Impacts" (Section 5.0), given its far-reaching capacity to influence habitat quality, spawning success, lobster physiology, competition with other species, and vulnerability to disease.